

GAHC010061052024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./846/2024

UMAKANTA SARMA @ UMAKANTA SHIL SARMA
S/O LT. BIRESHWAR SHIL R/O DEOHATI DAKSHIN PARA BHATIPARA P.S.
ABHAYAPURI DIST BONGAIGAON ASSAM

VERSUS

THE STATE OF ASSAM
REP BY PP ASSAM

Advocate for the Petitioner : NIMISH MAHAJAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER

03.04.2024

Heard Mr. N. Mahajan, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been languishing in

jail hazot since 14.03.2024 in connection with Abhayapuri P. S. Case No.83/2024 registered under Sections 447/326/307/34 of the Indian Penal Code.

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Mahajan that there was a quarrel between the accused/petitioner and the informant's side and out of which there was a scuffle between both the parties and both sides sustained injury. The accused/petitioner also filed an FIR against the present informant and one other person who assaulted him, while he was working in a plot of land. However, the accused/petitioner admitted that he also assaulted the informant with a lathi, and that apart from that no incident took place as alleged in the FIR. He further submits that the accused/petitioner is in custody since 14.03.2024 and hence, considering his length of detention, he may be enlarged on bail and he is still ready and willing to co-operate with the I. O. in further investigating of the case, if the same is granted.

In this context, Mr. Kaushik, learned Additional Public Prosecutor, has submitted that the Case Diary reveals that both the parties quarreled only for a plot of land and they also sustained injuries due to their mutual marpit. Further, the injury report in the case filed by the present petitioner has not yet been received. But, from the materials available in the Case Diary, it is seen that the accused/petitioner was assaulted by the informant side, as well as the victim of the present case sustained a grievous injury with a blunt object. He further submits that considering the materials available in the Case Diary, further custodial interrogation may not be necessary here in this case.

Considering the submissions of learned counsels for both sides and also considering the length of detention already undergone by the accused/petitioner, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioner keeping him in the custody and accordingly, further custodial interrogation of the accused/petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned SDJM (M), North Salmara, Abhayapuri, the accused/petitioner, namely Umakanta Sarma @ Umakanta Shil Sarma, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- (iii) that the petitioner shall not leave the jurisdiction of the learned SDJM (M), North Salmara, Abhayapuri, without prior permission.

In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant